

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PUBLIC SERVICES-Treasuries and Accounts Department- Sri V.Balasubrahmanyam, S.T.O. (Retd), District Treasury, Chittoor- Orders of Hon'ble High Court dt. 5-12-2009 in W.P.No.21312 & WP No. 25502 of 2009 – Pending finalization - Provisional pension - Sanctioned -Orders-Issued.

FINANCE (ADMN-III) DEPARTMENT

G.O. Rt.No. 2500

Dated:11-05-2010

Read the following:-

1. G.O. Rt. No. 777, Finance (Admn.III) dept., dt. 8-3-2006
2. Orders of Hon'ble A.P.A.T., dt. 17-6-2009 in O.A.No.2823 of 2006 filed by Sri V. Balasubramanyam, STO (Retd.)
3. Orders of Hon'ble High Court dt. 5-12-2009 in W.P.No. 21312/2009 and W.P.No.25502/2009.

ORDER:-

In a case of misappropriation of Govt. money under Military pensions by Sri Md. Haneef, Senior Accountant and others, disciplinary proceedings have been initiated against V. Balasubramayam, Sub Treasury Officer (Retd).

2. . After following due procedure, a punishment of withholding entire pension & DCRG benefits besides recovery of Rs.2,07,643/- was awarded vide G.O.Rt.No.777, Finance (Admn-III) Dept., dt.8.3.2006.

3. Against the said punishment the individual filed O.A.No.2823 of 2006 before the Hon'ble APAT. The Hon'ble APAT by its order dt.17.6.2009 disposed off the O.A. as follows:

“In the present case, the applicant retired from service on 31.1.1999 and the impugned proceedings were issued on 8.3.2006 i.e. seven years after his retirement and at present, the applicant is aged nearing 70 years and considering the allegations of lack of supervision against him, I and of the opinion that the matter is to be remanded back to the first respondent to review the punishment and pass appropriate orders to the charges proved against the applicant. In the circumstances, the punishment of withholding of entire pension and DCRG benefits besides recovery of an amount of Rs.2,07,643/- on the applicant is set aside and the matter is remanded back to the first respondent to review the punishment imposed and pass appropriate punishment against the applicant considering the allegations proved against him and after giving an opportunity to the applicant within a period of four weeks from the date of receipt of this order. The respondents are also directed to pay provisional pension including arrears to the applicant and continue to pay the provisional pension till final orders are passed in the remanded matter within a period of four weeks from the date of receipt of this order.”

4. Against the said order, the DTA has preferred appeal in W.P.No.21312 of 2009 before the Hon'ble High Court.

5. The Hon'ble High Court was pleased to dismiss the W.P.No.21312 of 2009 vide its order dt.5.12.2009 and confirmed the orders of Hon'ble APAT in O.A.No.2833 of 2006 by observing as follows:

“The Tribunal, therefore, was justified in coming to the conclusion, on the totality of the facts and circumstances, that the punishment of withholding of entire pensionary benefits was unjustified and disproportionate. The said punishment, therefore, was rightly set aside by the Tribunal and we do not see any error on the part of the Tribunal, which warrants correction under our Certiorari jurisdiction, particularly as employee retired in January, 1999.

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6. The Hon'ble High Court has also observed that **“as per the enquiry Officer's finding, only the aforesaid charges are proved against the employee. It has been rightly noticed by the Tribunal that the said charges, which are held proved against the employee, are not in the nature of either misappropriation or other serious lapses and the said charges would point out only failure to exercise proper supervision over the affairs of the office and his subordinates.”**

7. After careful examination of the matter, pending further action on the orders of Hon'ble APAT/Hon'ble High Court, Government hereby order to sanction provisional pension to Sri V. Balasubrahmanyam, S.T.O. (Retd.) from the date of the orders in the G.O. 1st cited till the final orders are passed in the matter.

8. The Director of Treasuries and Accounts, A.P., Hyderabad shall take necessary action accordingly.

L.V. SUBRAHMANYAM
PRL. SECRETARY TO GOVERNMENT (FP)

To
The individual
(through the DTA, Hyd.)
Copy to: The DTA, A.P., Hyd.
The Accountant General, AP, Hyderabad

// Forwarded :: By Order //

SECTION OFFICER